

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

RODERICK F. BAILEY,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 09-349
)	Chief Judge Lancaster
U. S. MARSHALS SERVICE, and)	Magistrate Judge Bissoon
MR. RUSTIC, Warden,)	
)	
Defendants.)	

MEMORANDUM ORDER

Roderick F. Bailey's complaint pursuant to the Federal Tort Claims Act ("FTCA"), 28 U.S.C. § 2671 *et seq.*, was received by the Court on March 23, 2009, and was referred to United States Magistrate Judge Cathy Bissoon for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.C and 72.D of the Local Rules for Magistrates.

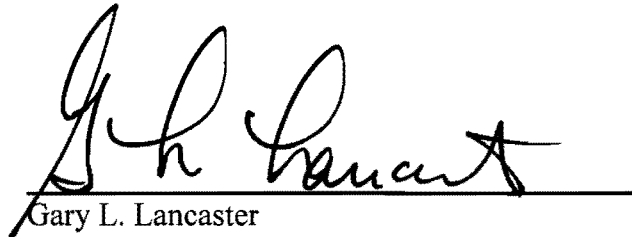
The Magistrate Judge's Report and Recommendation, filed on April 14, 2010, recommended that the Motion to Dismiss or, in the Alternative, for Summary Judgment filed by the United States Marshals Service (Doc. 17) be granted, and that Plaintiff's Motion for Leave to File an Amended Complaint (Doc. 22) be denied. Plaintiff was granted an extension of time to file objections, and his objections were timely filed on May 17, 2010 (Doc. 30).

After de novo review of the pleadings and documents in the case, together with the Report and Recommendation and the objections thereto, the following order is entered:

AND NOW, this 26 day of July, 2010,

IT IS HEREBY ORDERED that the Motion to Dismiss or, in the Alternative, for Summary Judgment filed by the United States Marshals Service (Doc. 17) is GRANTED, and that Plaintiff's Motion for Leave to File an Amended Complaint (Doc. 22) is DENIED.

The Report and Recommendation of Magistrate Judge Bissoon (Doc. 25), dated April 14, 2010, is adopted as the opinion of the court.



Gary L. Lancaster
Chief United States District Court Judge

Cc:
RODERICK F. BAILEY
08934-068
FCI Elkton
Post Office Box 10
Lisbon, OH 44432